

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL CHAMBERS
124 Old San Antonio Road
Boerne, TX 78006
August 8, 2017 – 6:00 PM

Minutes of the Regular Called City Council Meeting of August 8, 2017 at 6:00 p.m.

Present: 6 - Mayor Michael Schultz, Council Member Joe Anzollitto, Mayor Pro Tem Nina Woolard, Council Member Charlie Boyd IV, Council Member Ron Cisneros, and Council Member Craig Colvin

Staff Present: Ron Bowman, Siria Arreola, Pam Bransford, Paul Barwick, Kirsten Cohoon, Jim Kohler, Mike Mann, Sandy Mattick, Doug Meckel, Mike Raute, Angie Rios, Laura Talley, Jeanette Teague, Jeff Thompson, Larry Woods, and Danny Zincke.

Recognized / Registered Guests: David Kocav, Yolanda Kovac, Emily Weiner, Andrew Lucas, Orson Abernathy, Patrick Stoner, Duane Westerman, Allen Westerman, Nick Westerman, Jeff Kuhn, Christina Ryrholm, and Jessica Goode.

1. CALL TO ORDER – 6:00 PM

Mayor Schultz called the City Council to order at 6:00 p.m.

Mayor Schultz asked for a Moment of Silence and led the Pledge of Allegiance to the United States Flag and to the Texas Flag.

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. PUBLIC COMMENTS:

None.

4. CONSENT AGENDA:

- 4.A. [2017-610](#) CONSIDER APPROVAL OF THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JULY 25, 2017.**

THE MINUTES WERE APPROVED.

- 4.B. [2017-612](#) CONSIDER ON SECOND READING ORDINANCE NO. 2017-68; AN ORDINANCE AMENDING THE CITY OF BOERNE ZONING ORDINANCE NO. 2007-64, CAPTIONED, "ZONING ORDINANCE OF THE CITY OF BOERNE, TEXAS", DATED DECEMBER 18, 2007, BY AMENDING ARTICLE 3, SECTION 14, REZONING 5 ACRES OUT OF 12.04 ACRES LOCATED AT 25 CASCADE CAVERNS ROAD (KAD 24323), FROM B-2R, HIGHWAY COMMERCIAL-RESTRICTED DISTRICT TO R-4, MULTI-FAMILY RESIDENTIAL DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT; CONTAINING A SEVERANCE CLAUSE; AND DECLARING AN EFFECTIVE DATE. (Meyers)**

THE ORDINANCE WAS APPROVED.

- 4.C. [2017-609](#) CONSIDER RESOLUTION NO. 2017-R60; A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AND MANAGE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BOERNE, CITY OF FAIR OAKS RANCH AND KENDALL COUNTY FOR PUBLIC SAFETY AND UTILITIES COMMUNICATION SERVICES.**

THE RESOLUTION WAS APPROVED.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

- 5. [2017-616](#) QUARTERLY UPDATE OF THE BOERNE CONVENTION AND**

VISITORS BUREAU.

Mayor Schultz called on Mr. Larry Woods, Convention and Visitors Bureau Director. A packet was handed to all Council Members with the Strategic Plan and new advertising schedule. Mr. Woods reviewed the hotels performance for the first quarter of 2017. He discussed the success of social media, print and digital advertising, and e-mail advertising. The sixth edition of the Boerne Visitors Guide was just completed and will be placed in all hotels around Boerne. Discussion ensued about the Double Tree by Hilton Hotel Conference Center and the groundbreaking which will take place in October 2017. It is anticipated to open in April or May of 2019 and will increase business Monday through Thursday. He reviewed professional education for Staff. Mr. Woods shared the article from HouseBeautiful naming Boerne #25 on the list of "25 of the Happiest Small Towns in America."

6. [2017-615](#) RECEIVE THE CITY OF BOERNE'S 2017 CERTIFIED APPRAISAL ROLL VALUE.

Mayor Schultz called on Ms. Sandy Mattick, Finance Director. Ms. Mattick reviewed the 2017 Certified Appraisal Roll Values received from the Kendall County Appraisal District. The anticipated collection rate for the 2017 tax year is 98 %. She explained that most of the additional ad valorem taxes received this year are from new properties added to the tax roll.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER CISNEROS, TO RECEIVE THE CITY OF BOERNE'S 2017 CERTIFIED APPRAISAL ROLL VALUE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

7. [2017-614](#) CALL FOR AND CONSIDER TWO PUBLIC HEARINGS, AUGUST 22, 2017 AT 6:00 P.M. AND AUGUST 29, 2017 (SPECIAL CALLED CITY COUNCIL MEETING) AT 5:30 PM ON THE PROPOSED TAX RATE OF \$0.4720/\$100.

Ms. Mattick explained that since the proposed tax rate for FY 2017-2018 of 0.4720/\$100 valuation is in excess of the effective rate of \$0.4644/\$100

valuation the City Council must call for two public hearings. The first public hearing will be held on August 22, 2017 at 6:00 p.m. The second public hearing would be held on August 29, 2017 at 5:30 p.m. during a Special Called City Council Meeting.

A MOTION WAS MADE BY COUNCIL MEMBER ANZOLLITTO, SECONDED BY COUNCIL MEMBER CISNEROS, TO CALL FOR TWO PUBLIC HEARINGS, AUGUST 22, 2017 AT 6:00 P.M. AND AUGUST 29, 2017 (SPECIAL CALLED CITY COUNCIL MEETING) AT 5:30 PM ON THE PROPOSED TAX RATE OF \$0.4720/\$100. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

8. [2017-613](#) CALL FOR AND CONSIDER A PUBLIC HEARING ON AUGUST 29, 2017 (SPECIAL CALLED CITY COUNCIL MEETING) AT 5:30 P.M. ON THE PROPOSED BUDGET.

Ms. Mattick explained the process to approve the proposed budget of \$64,098,050.00 which includes the proposed tax rate of \$0.4720/\$100 valuation. City Council must call for one public hearing. The public hearing will be held on August 29, 2017, at a Special Called City Council meeting followed by the first reading of the ordinance to adopt the budget. The second reading of the ordinance will be at the regular City Council meeting of September 12, 2017.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO CALL FOR A PUBLIC HEARING ON AUGUST 29, 2017 (SPECIAL CALLED CITY COUNCIL MEETING) AT 5:30 P.M. ON THE PROPOSED BUDGET. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

9. [2017-624](#) CONSIDERATION OF BIDS RELATING TO THE SALE OF OBLIGATIONS DESIGNATED AS "CITY OF BOERNE, TEXAS TAX NOTES, SERIES 2017" FOR THE CITY HALL COMPLEX, STREET

CONSTRUCTION, STREET AND DRAINAGE IMPROVEMENT PROJECTS, AND INCIDENTAL COSTS RELATED THERETO; CONSIDERATION AND APPROVAL OF FINANCIAL ADVISOR'S RECOMMENDATION CONCERNING THIS MATTER; AND OTHER MATTERS IN CONNECTION THEREWITH.

Ms. Mattick introduced Mr. Duane Westerman from SAMCO Capital Markets. Mr. Westerman stated the City of Boerne received an Aa2 rating from Moody's. Nine bids were received, Frost Bank submitted the best bid with an interest rate of 1.79883 %. Discussion ensued about the low interest rate, amount of savings, and possibility to pay more of the principal debt. Staff recommends accepting the bid from Frost Bank.

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY MAYOR PRO TEM WOOLARD, THAT THE CITY COUNCIL ACCEPT THE FINANCIAL ADVISOR'S RECOMMENDATION CONCERNING THE ACCEPTANCE OF BIDS RELATING TO THE SALE OF OBLIGATIONS DESIGNATED AS "CITY OF BOERNE, TEXAS TAX NOTES, SERIES 2017". THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

10. [2017-622](#) **CONSIDER ORDINANCE NO. 2017-70; AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS TAX NOTES, SERIES 2017"; LEVYING AN ANNUAL AD VALOREM TAX, WITHIN THE LIMITATIONS PRESCRIBED BY LAW, FOR THE PAYMENT OF THE OBLIGATIONS RELATED TO THE CITY HALL COMPLEX, STREET CONSTRUCTION, STREET AND DRAINAGE IMPROVEMENT PROJECTS, AND INCIDENTAL COSTS RELATED THERETO; PRESCRIBING THE FORM, TERMS, CONDITIONS, AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO THE ISSUANCE, SALE, AND DELIVERY OF THE OBLIGATIONS, INCLUDING THE APPROVAL AND DISTRIBUTION OF AN OFFICIAL STATEMENT PERTAINING THERETO; AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT AND AN OFFICIAL BID**

FORM; COMPLYING WITH THE LETTER OF REPRESENTATIONS ON FILE WITH THE DEPOSITORY TRUST COMPANY; AND PROVIDING AN EFFECTIVE DATE.

Ms. Mattick stated the City of Boerne Tax Notes, Series 2017 in the amount of \$22,000,000 to be issued are for the City Hall complex, street construction, and street drainage improvement projects. Staff recommends approval of the Ordinance authorizing the issuance of "City of Boerne Tax Notes, Series 2017".

A MOTION WAS MADE BY COUNCIL MEMBER CISNEROS, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ORDINANCE NO. 2017-70 AND THAT THE CITY COUNCIL ADOPT AN ORDINANCE AUTHORIZING THE ISSUANCE OF "CITY OF BOERNE, TEXAS TAX NOTES, SERIES 2017". THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

11. [2017-618](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-71; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ARTICLE VI. SEXUAL OFFENDERS, SEC. 15-121. DEFINITIONS; SEC. 15-122. SEXUAL OFFENDERS RESIDENCE PROHIBITION; SEC. 15-123. PROPERTY OWNERS PROHIBITED FROM RENTING TO SEXUAL OFFENDERS; SEC. 15-124. SEXUAL OFFENDERS PROHIBITED FROM ENTERING CHILD AREAS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2000.00 FOR EACH VIOLATION OF THIS ORDINANCE.

Mayor Schultz called on Kirsten Cohoon, City Attorney. Ms. Cohoon reviewed new legislation which requires that sex offenders be able to enter child safe areas if needed to under certain circumstances. Suggested changes to the ordinance were reviewed by Chief Kohler, Lieutenant Perez, and Assistant Chief Page with no objections. Minor changes were also made to the definitions to be more in compliance with the new law. Staff is in favor of the recommended changes.

A MOTION WAS MADE BY MAYOR PRO TEM WOOLARD, SECONDED BY COUNCIL MEMBER ANZOLLITTO, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-71; AN ORDINANCE OF THE CITY OF BOERNE, TEXAS, AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES, ARTICLE VI. SEXUAL OFFENDERS, SEC. 15-121. DEFINITIONS; SEC. 15-122. SEXUAL OFFENDERS RESIDENCE PROHIBITION; SEC. 15-123. PROPERTY OWNERS PROHIBITED FROM RENTING TO SEXUAL OFFENDERS; SEC. 15-124. SEXUAL OFFENDERS PROHIBITED FROM ENTERING CHILD AREAS; AND PROVIDING FOR A PENALTY NOT TO EXCEED \$2000.00 FOR EACH VIOLATION OF THIS ORDINANCE. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

12. [2017-617](#) CONSIDER ON FIRST READING ORDINANCE NO. 2017-72; AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS; SEC. 2.123 ETHICS REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE; AND RELATED MATTERS.

Ms. Cohoon reviewed proposed changes to the term limits of the Ethics Review Commission and appointment of the Chair. Staff recommended the removal of the 6 year term limit as it is difficult to find someone who wants to serve. Also, it is proposed that the Mayor appoint the Chair and the commission will continue to elect the Vice Chair and Secretary. This proposed change will make it more consistent with the appointment of the Chair and Vice Chair of the other boards and commissions.

A MOTION WAS MADE BY COUNCIL MEMBER BOYD IV, SECONDED BY COUNCIL MEMBER COLVIN, TO APPROVE ON FIRST READING ORDINANCE NO. 2017-72; AN ORDINANCE AMENDING THE CODE OF ORDINANCE OF THE CITY OF BOERNE, TEXAS, CHAPTER 2, ADMINISTRATION, ARTICLE V. ETHICS; SEC. 2.123 ETHICS REVIEW COMMISSION; AND PROVIDING AN EFFECTIVE DATE AND SAVINGS CLAUSE; AND RELATED MATTERS. THE MOTION CARRIED BY THE FOLLOWING VOTE:

13. [2017-625](#) CONSIDER RESOLUTION NO. 2017-R61; A RESOLUTION RESCINDING RESOLUTION NO. 2017-R45 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF OTHER ENTITIES.

Ms. Cohoon stated the changes proposed in the Ethics Ordinance coincide with the Resolution being presented which establishes terms, residency requirements and attendance for the various Boards, Committees, and Commissions.

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER ANZOLLITTO, THAT THIS RESOLUTION BE APPROVED CONSIDER RESOLUTION NO. 2017-R61; A RESOLUTION RESCINDING RESOLUTION NO. 2017-R45 AND ESTABLISHING THE NUMBER OF TERMS, RESIDENCY REQUIREMENTS, AND ATTENDANCE OF THE VARIOUS BOARDS, COMMITTEES AND COMMISSIONS WHERE THE MAYOR AND CITY COUNCIL OF THE CITY OF BOERNE, TEXAS APPOINT THE MEMBERS, AND THE VARIOUS BOARDS, COMMITTEES, AND COMMISSIONS ARE ESTABLISHED BY STATE LAW, CITY ORDINANCE, AND BY LAWS OF OTHER ENTITIES. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 5 - Council Member Anzollitto, Mayor Pro Tem Woolard, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

14. **COMMENTS FROM COUNCIL/LEGAL COUNSEL/STAFF – No discussion or action may take place.**

Council Member Boyd IV thanked the Parks Department for cleaning up the vandalism by Fabra Elementary School in a timely manner.

15. **EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS GOVERNMENT CODE:**

Mayor Schultz convened the City Council into Executive Session at 6:45 p.m. and asked those individuals requested to participate to adjourn to the Executive Session Conference Room.

[2017-611](#) A. SECTION 551.071 - CONSULTATION WITH ATTORNEY:
CONTEMPLATED LITIGATION.

B. SECTION 551.074 - PERSONNEL MATTERS: CITY MANAGER'S
ANNUAL EVALUATION.

No action was taken.

**16. RECONVENE INTO OPEN SESSION AND TAKE ANY NECESSARY ACTION
RELATING TO THE EXECUTIVE SESSION AS DESCRIBED ABOVE.**

Mayor Schultz reconvened the City Council into Open Session at 8:14 p.m.

No action was taken.

17. ADJOURNMENT

A MOTION WAS MADE BY COUNCIL MEMBER COLVIN, SECONDED BY COUNCIL MEMBER CISNEROS, TO ADJOURN AT 8:14 P.M. THE MOTION CARRIED BY THE FOLLOWING VOTE:

Yeah: 4 - Council Member Anzollitto, Council Member Boyd IV, Council Member Cisneros, and Council Member Colvin

Nay: 1 - Mayor Pro Tem Woolard

Mayor

City Secretary